

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 29 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NETWORK CAPITAL FUNDING CORP.,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

No. 16-70687

NLRB No. 21-CA-107219
National Labor Relations Board

ORDER

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

NETWORK CAPITAL FUNDING CORP.,

Respondent.

No. 16-70803

NLRB No. 21-CA-107219

Before: CANBY, WARDLAW, and RAWLINSON, Circuit Judges.

On April 12, 2016, this court issued orders staying proceedings in these consolidated petitions pending the issuance of the United States Supreme Court's ("Supreme Court") decisions in *Epic Systems Corp. v. Lewis*, 16-285, *Ernst & Young v. Morris*, 16-300, and *NLRB v. Murphy Oil USA*, 16-307. On May 21, 2018, the Supreme Court issued its decision in the referenced cases. Accordingly,

the stay orders filed April 12, 2016, are lifted and these consolidated petitions shall proceed.

The National Labor Relations Board's ("NLRB") motion for Network Capital Funding Corp.'s petition for review to be summarily granted, and for the NLRB's cross-application for enforcement to be summarily denied (Docket Entry No. 18 in petition No. 16-70687 and Docket Entry No. 10 in petition No. 16-70803), is granted.

Petition No. 16-70687 is GRANTED. Petition No. 16-70803 is DENIED.